

House Bill 1185

By: Representatives Wix of the 33rd, Teilhet of the 40th, Jenkins of the 8th, Powell of the 29th,
Borders of the 175th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to burglary, so as to increase the punishment and modify sentencing requirements for persons committing burglaries and to change certain provisions relating to sanctions for burglary; to amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to offenses involving theft, so as to increase the punishment for those receiving or transporting into the state property stolen from a residence; to change certain provisions relating to sanctions for theft; to provide for related matters; to provide for applicability and an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to burglary, is amended by striking subsection (b) of Code Section 16-7-1, relating to burglary, and inserting in its place a new subsection (b) to read as follows:

"(b) Upon a second conviction for a crime of burglary occurring after the first conviction, a person shall be punished by imprisonment for not less than ~~two~~ three nor more than 20 years. Upon a third conviction for the crime of burglary occurring after the first conviction, a person shall be punished by imprisonment for not less than ~~five~~ ten nor more than 20 years. Any person convicted under this Code section shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-7. Adjudication of guilt or imposition of sentence shall not be suspended, probated, deferred, or withheld for any offense punishable under this subsection."

SECTION 2.

Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to offenses involving theft, is amended in Code Section 16-8-12, relating to penalties for

1 violation of Code Sections 16-8-2 through 16-8-9, by striking "or" from the end of paragraph
2 (7), by striking the period and inserting in its place "; or" at the end of paragraph (8), and by
3 inserting a new paragraph (9) in subsection (a) to read as follows:

4 "(9) If the crime committed was a violation of Code Sections 16-8-7 through 16-8-9 and
5 if the property which was the subject of the theft was property removed from within a
6 dwelling or residence, by imprisonment for not less than one nor more than ten years or,
7 in the discretion of the trial judge, as for a misdemeanor; provided, however, that any
8 person who is convicted of a second or subsequent offense under this paragraph shall be
9 punished by imprisonment for not less than two nor more than 20 years."

10 **SECTION 3.**

11 This Act shall become effective on July 1, 2006, and shall apply to crimes and offenses
12 committed on or after that date.

13 **SECTION 4.**

14 All laws and parts of laws in conflict with this Act are repealed.